HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.24248 of 2002

Dated: 20.07.2007

Between:

Juttuga Subba Rao.

... Petitioner

AND

The Superintendent of Police,
Kakinada, East Gadavari District,
and others.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.24248 of 2002

ORDER:-

This writ petition is filed for a writ of mandamus to declare the inaction of respondents in registering crime on the complaint made by the petitioner on 18.9.2002 as violative of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and also for a consequential direction to respondents to take action on the complaint dated 18.9.2002 made by the petitioner.

At the hearing, no one represented the petitioner. Therefore, the writ petition is liable to be dismissed for default.

Even otherwise, on merits also the writ petition is liable to be dismissed. The grievance of the petitioner in the writ petition is that he was attacked by five persons in connection with a land dispute on 18.9.2002 and they scolded him by using un-parliamentary language and abused him in the name of his caste. According to the petitioner, he made written complaint on 18.9.2002 against Sri P.Srihari and his followers, however the respondents have not taken any action for registering the crime for the aforementioned act.

In the counter affidavit filed by Sub-Inspector of Police, Pamarru Police Station, it is stated that on the complaint of the petitioner, Crime No.71 of 2002 was registered for the offences punishable under Sections 384, 406, 371, 417, 506 read with Section 109 of the Indian

Penal Code and Section 7(1)(d) of Protection of Civil Rights Act on 24.9.2002 against four persons who were allegedly involved in the offence. It is also averred that the claim of the petitioner that the accused were punishable for the offences under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 is not correct.

Be that as it may, the writ petition is liable to be dismissed for the reason that the persons against whom the petitioner seeks registration of the case for the offence under the said Act are not made parties to the writ petition.

Even otherwise it is well settled law that if a person is aggrieved by the inaction of the police in registering a case under any specific provision of law, it is always open to him to approach the jurisdictional Magistrate with an appropriate application for alteration of the charge.

For the aforementioned reasons, the writ petition is misconceived and is accordingly dismissed.

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C.V.NAGARJUNA REDDY,J

Date:20.07.2007
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